IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A. V. A. J.

ADMIRALTY SUIT (L) NO.2727 OF 2007

Jaisu Shipping Co. Pvt.Ltd. ...Plaintiff.
Vs.
m.v. Abouzar-81 & Anr. ...Defendants.
....
Mr. V. Subramaniam with Ms. Jimi John for the Plaintiff.
Mr.Uttam Hathi i/b. Lex Nexus for the Defendants.
.....

CORAM :DR.D.Y.CHANDRACHUD, J.
November 28, 2007.

P.C.:

Consent Minutes of the order signed on behalf of the Plaintiff by the Chairman and Managing Director of the Plaintiff, on behalf of the Defendants by a Constituted Attorney and by the respective Advocates have been tendered before the Court and are taken on record and marked "X". The Court has been informed that the dispute between the parties has been settled, in pursuance whereof, agreed terms have been entered into and tendered before the Court. There shall be a decree and order in terms of the Consent Terms.

The attention of the Court has also been drawn to an order dated 3rd September 2007 passed by a Learned Single Judge of this Court in Admiralty Suit 19 of 2007 (Arcadia Shipping Limited vs. m.v. Iodec Annette) and on the same date in Admiralty Suit 29 of 2007 (Ocean Diving Centre Limited vs. m.v. Abouzar-81). In both the aforesaid suits, the Learned Single Judge has passed an order in terms of Consent Terms by which the disputes in the respective suits were settled. The Court has, however, taken due note of the fact that Caveats 10 of 2007 and 11 of 2007 were pending against the First Defendant Vessel in this Court. Consequently, the Court observed that even though parties have settled the dispute, the vessel shall not be released, nor would the vessel be allowed to sail till further orders of the Court since the Caveats were pending. The Defendants had also taken out Chamber Summons for vacating the Caveats. From the order of the Learned Single Judge dated 24th October 2007, it would appear that Chamber Summons has also been disposed of. In the Consent Minutes of the Order that have now been tendered before the Court in the present proceedings, Caveats 10 and 11 of 2007 have been withdrawn as against the release of the vessels

Abouzar 81 and Ioec Annette. Caveat 10 of 2007 was filed in Admiralty Suit 29 of 2007 while Caveat 11 of 2007 was filed in Admiralty Suit 19 of 2007 by the Plaintiff in these proceedings.

In view of the fact that the parties have settled the dispute in terms of the Consent Minutes of the Order, it would only be appropriate that this Court should issue directions consistent with the directions contained in the order of the Learned Single Judge of this Court dated 3rd September 2007, in Admiralty Suits 19 and 29 of 2007 that the vessel may be permitted to sail only subject to due verification and certification by the Prothonotary & Senior Master of the fact that no further Caveat is pending, and that there is no order of arrest in any other proceedings.

Liberty to communicate this order by fax to the Customs, Port and all concerned authorities.

The Prothonotary & Senior Master, Office of the Sheriff, Port, Customs, Harbour Master and all concerned authorities at

Mumbai to act on ordinary copy pf the order duly authenticated by the Associate of this Court for the purposes of release.

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